

AMENDED IN SENATE JUNE 26, 2006

AMENDED IN ASSEMBLY MAY 1, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2740

Introduced by Assembly Member La Malfa

February 24, 2006

An act to amend Sections 37220 and 38131 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2740, as amended, La Malfa. School facilities: usage on Veterans Day.

Existing law requires that the public schools close on specified holidays, including Veterans Day, to be observed on November 11, except as specified. Existing law authorizes the governing board of a school district, by adoption of a resolution, to revise the date upon which the schools of the district close in observance of any of those specified holidays, except Veterans Day. Existing law prohibits the governing board of a school district from requesting a waiver of the requirement to close on Veterans Day from the State Board of Education.

This bill would provide that ~~the existing~~ *those* provisions ~~regarding holidays~~ do not prohibit a school district from authorizing its facilities or grounds to be used in accordance with a specified provision on those days on which the public schools are closed.

Existing law permits specified citizens, organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts to engage in

supervised recreational activities or to meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment pertain to the educational, political, economic, artistic, and moral interests of the citizens of the applicable communities, at a civic center located at a public school facility or grounds. Existing law authorizes the governing board of a school district to grant the use of school facilities or grounds as a civic center upon the terms and conditions the board deems proper, subject to the limitations, requirements, and restrictions of the applicable law, for specified purposes. Existing law vests the management, direction, and control of school facilities, as specified, in the governing board of the applicable school district and requires the board to promulgate all necessary rules and regulations, as specified.

This bill would add veterans' organizations, as defined, to the list of organizations that may meet at a civic center located at a public school facility. The bill would add a ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization to the list of purposes for which a school district is permitted to grant use of the school facilities or grounds. ~~The bill would require a school district that grants entities or individuals permission to use its facilities or grounds under the civic center provisions for any permissible purpose on Veterans Day to give a preference to veterans' organizations requesting use of the facilities or grounds on Veterans Day for a permissible purpose.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 37220 of the Education Code is
2 amended to read:
3 37220. (a) Except as otherwise provided, the public schools
4 shall close on the following holidays:
5 (1) January 1.
6 (2) The third Monday in January or *the* Monday or Friday in
7 the week in which January 15 occurs, known as "Dr. Martin
8 Luther King, Jr. Day." On the Friday preceding which day the
9 schools are closed, schools shall include exercises
10 commemorating and directing attention to the history of the civil

1 rights movement in the United States and particularly the role
2 therein of Dr. Martin Luther King, Jr.

3 (3) The Monday or Friday of the week in which February 12
4 occurs, known as "Lincoln Day." On the day that school is in
5 session prior to the day on which schools are closed for that
6 purpose, all public schools and educational institutions
7 throughout the state shall hold exercises in memory of Abraham
8 Lincoln.

9 (4) The third Monday in February, known as "Washington
10 Day." On the Friday preceding, all public schools and
11 educational institutions throughout the state shall hold exercises
12 in memory of George Washington.

13 (5) The last Monday in May, known as "Memorial Day."

14 (6) July 4.

15 (7) The first Monday in September, known as "Labor Day."

16 (8) November 11, known as "Veterans Day."

17 (9) That Thursday in November proclaimed by the President
18 as "Thanksgiving Day."

19 (10) December 25.

20 (11) All days appointed by the Governor for a public fast,
21 thanksgiving, or holiday, and all special or limited holidays on
22 which the Governor provides that the schools shall close.

23 (12) All days appointed by the President as a public fast,
24 thanksgiving, or holiday, unless it is a special or limited holiday.

25 (13) Any other day designated as a holiday by the governing
26 board of the school district.

27 (b) When any of the holidays on which the schools would be
28 closed falls on Sunday, the public schools shall close on the
29 Monday following.

30 (c) When any of the holidays on which the schools would be
31 closed falls on Saturday, the public schools shall close on the
32 preceding Friday, and that Friday shall be declared a state
33 holiday.

34 (d) If any holiday on which the public schools are required to
35 close pursuant to subdivision (a) occurs under federal law on a
36 date different from the date specified in subdivision (a), the
37 governing board of any school district may close the public
38 schools of the district on the date recognized by federal law and
39 maintain classes on the date specified in subdivision (a).

(e) Except for Veterans Day, as designated in paragraph (8) of subdivision (a), the governing board of a school district, by adoption of a resolution, may revise the date upon which the schools of the district close in observance of any of the holidays identified in subdivision (a).

(f) The governing board of a school district may not request a waiver of paragraph (8) of subdivision (a) from the state board.

(g) This section does not prohibit a school district from authorizing its facilities or grounds to be used in accordance with Section 38131 on those days on which the public schools are closed.

SEC. 2. Section 38131 of the Education Code is amended to read:

38131. (a) There is a civic center at each and every public school facility and grounds within the state where the citizens, parent teacher associations, Camp Fire girls, Boy Scout troops, veterans' organizations, farmers' organizations, school-community advisory councils, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions ~~which~~ *that* in their judgment pertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside. For purposes of this section, "veterans' organizations" are those groups included within the definition of that term as specified in subdivision (a) of Section 1800 of the Military and Veterans Code.

(b) ~~(1)~~ The governing board of any school district may grant the use of school facilities or grounds as a civic center upon the terms and conditions the board deems proper, subject to the limitations, requirements, and restrictions set forth in this article, for any of the following purposes:

~~(A)~~—
(1) Public, literary, scientific, recreational, educational, or public agency meetings.

~~(B)~~—
(2) The discussion of matters of general or public interest.

~~(C)~~—

1 (3) The conduct of religious services for temporary periods, on
2 a one-time or renewable basis, by any church or religious
3 organization that has no suitable meeting place for the conduct of
4 the services, provided the governing board charges the church or
5 religious organization using the school facilities or grounds a fee
6 as specified in subdivision (d) of Section 38134.

7 ~~(D)~~

8 (4) Child care or day care programs to provide supervision and
9 activities for children of preschool and elementary schoolage.

10 ~~(E)~~

11 (5) The administration of examinations for the selection of
12 personnel or the instruction of precinct board members by public
13 agencies.

14 ~~(F)~~

15 (6) Supervised recreational activities including, but not limited
16 to, sports league activities for youths that are arranged for and
17 supervised by entities, including religious organizations or
18 churches, and in which youths may participate regardless of
19 religious belief or denomination.

20 ~~(G)~~

21 (7) A community youth center.

22 ~~(H)~~

23 (8) A ceremony, patriotic celebration, or related educational
24 assembly conducted by a veterans' organization.

25 ~~(I)~~

26 (9) Other purposes deemed appropriate by the governing
27 board.

28 ~~(2) If the governing board of a school district grants, pursuant~~
29 ~~to paragraph (1), entities or individuals permission to use its~~
30 ~~facilities or grounds for any purpose on Veterans Day, as that day~~
31 ~~is recognized pursuant to Section 37220, the governing board~~
32 ~~shall give a preference for use of the facilities or grounds to a~~
33 ~~veterans' organization that requests to use the facilities or~~
34 ~~grounds on that Veterans Day for a purpose specified in~~
35 ~~paragraph (1).~~